

2010 MAR -8 AM 11:50

241 Fir Street
Elko, Nevada 89801
March 5, 2010

STATE ENGINEER

Mr. Jason King
Division of Water Resources
Department of Conservation and Natural Resources
901 South Stewart Street
Carson City, Nevada 89701

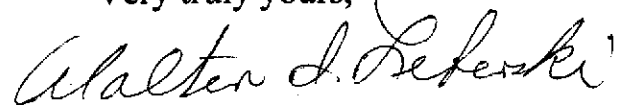
Dear Jason;

As you may know, I have worked on several basin adjudications in the northern part of the State. In those adjudications, I am aware of a number of applications for water, change of use or place of diversion that have not been acted upon for a number of years, primarily for the reason pending completion of the adjudication. Of course, I wonder how the recent Supreme Court decision would effect those pending applications, which some are quite old. It does not appear that any of the statutory exceptions would apply in those instances. It gets a bit close to home, as I have one in the Owyhee adjudication that is 19 years old, and is now subject to an agreement with the Indians, the other water users, the State Engineer and approved by Congress. I believe there are 1 or 2 more applications in that particular adjudication. I am aware of others in the other fork of the Owyhee River and Ruby Valley. I assume that other pending adjudications would have some under the same situation.

I am unable to attend the workshop to be held on the 16th, but did hope this type of situation could be considered in those discussions.

Thanks for your consideration.

Very truly yours,


Walter I. Leberski